



USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

1. Neighborhood Meetings and Public Participation in the Planning and Zoning Process

(See Zoning Ordinance § 78-201.5, *Neighborhood Meetings*, § 78-201.9, *Public Notification*, and § 78-201.13, *Public Hearing Procedures*)

The Town of Herndon Zoning Ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

Why would there be a meeting in my neighborhood?

For planning and zoning purposes, a neighborhood meeting might occur because a development is proposed near or in the neighborhood. The Town Council, Planning Commission, Architectural Review Board or Heritage Preservation Review Board encourage development applicants to conduct a neighborhood meeting on an application if they determine that the proposed development could affect neighboring properties. When such a determination is made, the neighborhood meeting is hosted and conducted by the developer. Ideally, the neighborhood meeting would occur prior to, or shortly after, submittal of an application requiring a public hearing. In particular, the Town strongly encourages applicants to hold at least one neighborhood meeting for a Zoning Map Amendment (rezoning) application prior to filing the application if any part of the property proposed for the Zoning Map Amendment is abutting or across the street from existing residences.

What should I expect at the meeting?

Neighborhood meetings are opportunities for informal communication between landowners, applicants, and residents who may be affected by development proposals. The purposes of the neighborhood meeting are to:

- Learn about the proposed development and application,

- Ask questions and make constructive comments,
- Hear the applicant's response to neighborhood concerns about the development proposal, and
- Identify outstanding issues, and resolve them where possible.

The neighborhood meeting should be held at a place that is generally accessible to neighbors that reside near the land subject to the application. The applicant should provide notification of the neighborhood meeting a minimum of ten days in advance of the meeting, by mail, to all landowners within 100 feet of the property, to any neighborhood organization that represents members of the public within that area, to names on the Town's list of persons registered to receive notice of applications, and to the Zoning Administrator. At the meeting, the applicant should explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve differences. The Zoning Administrator should be present at the neighborhood meeting to answer questions related to the provisions of the Zoning Ordinance. The applicant should arrange for minutes to be taken during the meeting. The minutes should reflect the topics of discussion and summarize the comments made at the meeting. The minutes should be submitted to the Zoning Administrator within 10 days of the meeting. In the case of a Zoning Map Amendment, the applicant must file a report of the neighborhood meeting at the time of submitting the application.

How Can I Become Aware of More Development Proposals in the Town?

The Code of Virginia and the Town Council of Herndon require public hearings for certain development applications for the specific purpose of engaging the public in the proceedings for review and action. There are legal requirements for advertising public hearings and notifying certain parties of them. The legal ads appear weekly in the Herndon Observer.

In addition, any individual, business, or organization in the Town may register to receive information about zoning-related applications. Registration allows persons to receive written notice of applications by U. S. Mail or by e-mail. To register, the interested person provides contact information to the Department of Community Development along with a fee to cover the cost of the notification. To remain on the mailing list, registration must be renewed every two years.

What is the Procedure at a Public Hearing?

Public hearings are formal meetings and must be carried out as prescribed in the Code of Virginia and in the by-laws of the body conducting the hearing. There is a formal agenda that is arranged in advance, and the body conducting the hearing considers the agenda items in the order shown on the agenda. When the meeting reaches an agenda item that requires a public hearing, the Chairman announces the hearing and a member of the Town staff usually makes a brief presentation. Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing must state the person's name and address. If appearing on behalf of a person or organization, the speaker must also state the name and mailing address of the person or organization being represented. The applicant is allowed to speak first, because the burden of demonstrating that an application complies with applicable review and approval standards in the Town Code lies with the applicant. After the applicant has made comments, individual members of the public are allowed to speak for three minutes each, or ten minutes if representing an organization. When permission is granted by the

Chairman of the body holding the public hearing, the person wishing to speak should approach the podium. After everyone who wants to speak has done so, the Chairman usually allows the applicant to respond to questions raised by the other members of the public. The hearing is then shifted from comments by the public to public discussion by the body holding the public hearing. Following Roberts' Rules of Order, a member of the body holding the public hearing makes a motion and all members vote on the motion. The vote determines whether the application is approved, denied, or deferred.

Meetings with public hearings are televised and videotaped on Herndon Cable Television and are recorded formally for legal documentation and reference. Therefore, comments of speakers at public hearings are recorded on audiotape and later transcribed for the official minutes of the meeting.

How Do I Prepare to Speak at a Public Hearing?

As a small town, Herndon officials always welcome speakers at public hearings and there are no specific requirements for preparing to speak. However, the Town staff recommends:

- Contacting the Department of Community development to find out the date of the meeting when the public hearing for a specific application is scheduled.
- While not required, persons wishing to speak may sign up in advance with the Town Clerk (703-435-6804) to speak on a specific topic.
- Five days before the public hearing, contact the Department of Community development to obtain and study a copy of the latest staff report on the application. A speaker's comments likely will convey more credibility if the speaker is familiar with the details of the application and understands it fully.
- Written comments may be addressed to the body holding the public hearing by sending the comments in advance to the Department of Community Development.
- Even if making an oral presentation, bring written comments to the public hearing. The speaker may then use the written comments for the speaker's oral presentation and may submit them to the Recording Secretary at the conclusion of the presentation.

Need more information?

Have a question regarding required permits, the permit process, or application requirements? Call or make an appointment to see a member of staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding Building Permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20170.

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